



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
HESCHMEYER, *et al.*

Appl. No. 10/748,287

Filed: December 31, 2003

For: **Low-Gluten Wafer and
Method of Making Same**

Art Unit: 1761

Examiner: Stulli, Vera.

Attorney Docket: 08116.0023.NPUS00

Confirmation No. 9611

Customer No. 47669

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on:

Date: October 25, 2006

Anthony L. Meola

Response to Restriction Requirement

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 25, 2006, Applicants submit the following response for appropriate action by the U.S. Patent and Trademark Office.

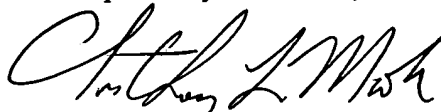
In the Action, the Examiner has alleged that the present application contains more than one invention and has therefore presented a restriction requirement. The Examiner has required that Applicants restrict the present application to one of the following inventions:

- I. Claims 1- 5, drawn to a low-gluten wafer, classified in class 426, subclass 549;
- II. Claims 6 – 10, drawn to a method of making a low-gluten wafer, classified in class 426, subclass 496;
- III. Claim 13, drawn to a low-gluten wafer comprising pre-gelatinized starch and water, classified in class 426, subclass 549.

Applicants elect Group I for continued prosecution in the instant application without traverse. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 11-0404 referencing docket number 08116.0023.NPUS00. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 11-0404 referencing the above docket number.

Respectfully submitted,



Anthony J. Meola (Reg. No. 44,936)

Date: October 25, 2006

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